

SUBCHAPTER 153.070 – MIXED-USE ZONES



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§ 153.070.010 – Intent and Purpose

Two mixed-use zones are established to provide development opportunities for integrated, complementary residential and commercial development on the same parcel or a contiguous group of parcels. For the purpose of this Zoning Code, mixed-use developments shall comply with nonresidential standards when no mixed use standards exist.

A. Mixed-Use Zone 1 (MU-1)

The MU-1 zone is established to create opportunities for development that integrates commercial and residential uses within a large district, with an emphasis on retail, service, professional office, entertainment and restaurant business oriented toward street frontages and serving as the primary use, and medium- and high-density residential uses built to complement such uses. The MU-1 zone is intended to create districts that support complementary uses and activities, particularly in the city's downtown, and to promote development and uses which are functionally integrated by location and types of structures, the efficient use of land, optimal site planning and various public and private realm design elements.

B. Mixed-Use Zone 2 (MU-2)

The MU-2 zone is established to create opportunities for mixed-use developments that emphasize medium- and high-density residential uses, with limited commercial, institutional, office and service uses. Such projects consist of building approaches which respect the scale and design to the local street environment and adjacent residential neighborhoods. Commercial uses are oriented toward meeting more local neighborhood needs.

§ 153.070.020 – Use Regulations

- A. Permitted uses.** Table 153.070.020 identifies the permitted uses in the MU-1 and MU-2 zones.
- B. Conditional uses.** Certain uses may be subject to special conditions regarding the location, operation or design of the use. References to these provisions are made in Table 153.070.020.
- C. Prohibited uses.** If a use is not specifically listed in Table 153.070.020, that use is prohibited. However, the Zoning Administrator shall have the authority to determine whether the proposed use is permitted based on the finding that the use is similar to and no more detrimental than a particular use permitted in the zone.
- D. Mixed uses.** Permitted uses identified in Table 153.070.020 may be established on a single site as an integrated project, subject to the provisions of subchapter 153.120 related to Mixed Use Development. Stand-alone commercial uses are permitted in Mixed Use Zones. In Mixed Use Zones, all new development is required to include a commercial component.

TABLE 153.070.020 Permitted and Conditionally Permitted Uses within Mixed-Use Zones	P	Permitted use	
	CUP	Conditional use permit required	Accessory use
Land Use	MU-1	MU-2	Specific Regulations
Acupressure/Acupuncture Establishments	--	--	Use not allowed
Alcohol Sales			153.120 Part 2
a. On-Sale Outlets	CUP	CUP	
b. Off-Sale Outlets	CUP	CUP	
Antique Shops	P	--	
Arcades and Internet Cafes	CUP	CUP	153.120 Part 3
Art/Photography Stores, Studios and Galleries	P	P	
Banks and Financial Institutions	CUP	--	
Business Support Services (blueprinting, computer-services, film processing, small equipment rental, etc.)	P	P	
Catering Establishments	P	--	
Commercial Entertainment (motion picture theaters, performing arts centers, dance halls)	CUP	--	
Day Care Centers – Child	CUP	CUP	153.120 Part 6
Day Care Centers – Adult	CUP	CUP	
Drug Stores and Pharmacies	P	P	

TABLE 153.070.020 Permitted and Conditionally Permitted Uses within Mixed-Use Zones	P CUP A --	Permitted use	
		Conditional use permit required	Accessory use Use not allowed
Land Use	MU-1	MU-2	Specific Regulations
Dwelling Units			
a. Detached Single-Family Dwelling Units	--	--	Housing portion of horizontal mixed use not allowed at intersection corner.
b. Multiple-Family Dwelling Units	P	P	
Educational Institutions			
a. College, University, Professional	CUP	--	
b. Elementary and Secondary (private)	CUP	CUP	
c. Elementary and Secondary (public)	P	P	
d. Vocational and Trade Schools	CUP	--	
Food and Beverage Sales			
a. Grocery Stores (includes large, full-service markets)	P	P	
b. Specialty Stores (deli, coffee, bakery, produce)	P	P	
c. Convenience Stores	P	P	
d. Liquor Stores	CUP	CUP	153.120 Part 2
Game Machines	A	A	153.050.040
Home Improvement Stores	CUP	--	
Home Occupations ¹	A	A	153.120 Part 8
Hotels and Motels	CUP	--	153.120 Part 9
Massage Establishments and Services	--	--	153.120 Part 17
Medical/Dental Offices	CUP	CUP	Only allowed on second floor or above
Medical Marijuana Dispensaries	--	--	
Multiple Tenant Retail - Small	P	--	
Nightclubs	CUP	--	Nightclubs accessory to a permitted primary use are permitted in the MU-1 zone, provided the permit for the primary use expressly identifies the nightclub as an accessory use
Off-Street Parking Facility	CUP	CUP	Must be located within 300 ft of the primary use/parcel

TABLE 153.070.020 Permitted and Conditionally Permitted Uses within Mixed-Use Zones	P CUP A --	Permitted use Conditional use permit required Accessory use Use not allowed	
	Land Use	MU-1	MU-2
Offices – Business and Professional	P	P	Only allowed on second floor or above
Outdoor Storage and Use	A	A	153.070.060
Personal Services (barber shops, beauty salons/spas, tailors, dry cleaning, self-service laundry, etc.)	P	P	
Pet Stores	CUP	CUP	
Places of Assembly	CUP	CUP	Located on second floor or above only
Recreational Facilities			
a. Health Clubs and Gymnasiums	CUP	--	
b. Dance or Martial Arts Studios	P	CUP	
Residential Care Facilities	CUP	CUP	
Restaurants			
a. Restaurants with no Alcohol Sales	P	P	
b. Restaurants with Alcohol Sales	CUP	CUP	153.120 Part 2
Retail Shops	P	P	
Vending Machines			
a. Regular	A	--	153.050.040
b. Reverse	A	--	
Secondhand Stores	--	--	
Notes: (1) A home occupation permit must be obtained from the Business License Department.			

E. Limitations on use. The nonresidential component of a mixed-use project shall be a use allowed within the applicable mixed-use zone, subject to the following additional limitations.

1. In the MU-1 and MU-2 zones, no more than 50 percent of the ground floor shall be developed with and dedicated to residential uses.
2. The following uses and activities shall not be permitted within any mixed-use development:
 - a. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, or any similar use.

- b. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
 - c. Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work.
 - d. Any other activity or use, as determined by the responsible review authority to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.
3. After approval, a mixed-use building shall not be converted to entirely residential use.

§ 153.070.030 – Development Standards

A. **General.** Table 153.070.030 identifies the development standards applicable to all development in the mixed-use zones. Certain development standards may be subject to special conditions. These standards are provided here or where otherwise referenced.

TABLE 153.070.030 Development Standards for Mixed-Use Zones			
Development Standards	MU-1	MU-2	Specific Regulations
Lot Area – Minimum	15,000 sf	15,000 sf	
Lot Depth – Minimum	100 ft	100 ft	
Lot Width – Minimum	50 ft	40 ft	
Lot Coverage – Maximum	70%	60%	
Front Yard Depth – Minimum	0 ft	0 ft	153.130.030 Ground-floor residential uses shall have a minimum front yard depth of 10 ft
Side Yard Width – Minimum	0 ft	10 ft	153.130.030 Ground-floor residential uses shall have a minimum side yard depth of 10 ft

TABLE 153.070.030 Development Standards for Mixed-Use Zones			
Development Standards	MU-1	MU-2	Specific Regulations
Rear Yard Depth – Minimum	10 ft	15 ft	153.130.030
Common Open Space Area – Minimum	Minimum 100 sf per unit		Required for residential uses only. Minimum dimension shall be 20 ft.
Private Open Space Area – Minimum	Minimum 36 sf per unit		Required for residential uses only. Minimum dimension shall be 6 ft.
Floor-Area Ratio – Maximum for Commercial Only Development	1.5	1.5	
Floor-Area Ratio – Maximum for Mixed-use Development	2.0	2.0	
Residential Density – Maximum	30 du/ac	15 du/ac if parcel less than 20,000 sf; 30 du/acre if parcel greater than 20,000 sf	
Building Height – Maximum	50 ft	35 ft	153.130.040
Floor Areas – Minimum			
Efficiency	500 sf	500 sf	
One Bedroom	700 sf	700 sf	
Two Bedrooms	900 sf	900 sf	
Three Bedrooms	1,100 sf	1,100 sf	
Each Additional Bedroom	200 sf	200 sf	

B. Pedestrian access. Pedestrian access from the public right-of-way shall be incorporated into all development within the MU-1 and MU-2 zones. The design of new projects shall promote walkability and connectivity to include design and orientation standards such as:

1. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas and pedestrian amenities.
2. Lighting shall be incorporated along sidewalks or other pedestrian walkways to enhance the pedestrian environment and provide for public safety. Lighting shall be low mounted and downward casting in a manner that reduces light trespass onto adjacent properties.

3. Connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the primary entry and sidewalk, generally no more than 125 percent of the straight line distance.

C. Parking.

1. Surface parking shall be located on the interior side or rear of the site to the greatest extent practicable. Surface parking between the sidewalk and buildings shall be prohibited.
2. Any parking structure with at least one floor of parking at grade or above, and which contains primary property frontage along a primary street, shall incorporate wrapped residential uses or retail businesses with shopping windows viewable from the sidewalk along the ground floor, or two or more of the following features:
 - (a) display or shopping windows;
 - (b) landscape material (e.g., foundation plantings, vertical trellis with vines, planter boxes with cascading landscape material) that results in the parking structure being adequately screened from adjoining parcels;
 - (c) architectural detailing and articulation that provides texture on the façade or structure openings and effectively integrates the parking structure into the basic building design; and/or
 - (d) artwork such as sculptures, murals, and mosaics.

D. Building orientation and entrances. Street-facing primary entrances for nonresidential uses shall be unlocked and accessible to the public during business hours. Residential and nonresidential entries shall be clearly defined features of front façades, and of a scale that is in proportion to the size of the building and number of units being accessed. Larger buildings shall have a more prominent building entrance, while maintaining a pedestrian scale.

E. Building transparency/windows and openings facing streets. Placement and orientation of doorways, windows, and landscape elements shall create strong, direct relationships with the street. Street-facing façades of all buildings shall incorporate windows and openings providing light to adjacent spaces, rooms, and uses.

1. **Commercial ground-floor uses.** Windows and openings facing streets shall constitute a minimum of 50 percent of street-facing building faces. Windows

shall provide a clear and transparent view into ground floor-uses or shall display merchandise to reinforce a pedestrian scale.

2. **Commercial upper-floor uses.** Windows and openings facing streets shall constitute a minimum of 40 percent of street-facing building faces.
3. **Residential ground-floor uses.** Windows and openings facing streets shall constitute a minimum of 30 percent of street-facing building faces.
4. **Residential upper-floor uses.** Windows and openings facing streets shall constitute a minimum of 20 percent of street-facing building faces.

H. Shared property lines with a residentially zoned lot.

1. Wherever a mixed-use zoned reversed corner lot shares a rear property line with a residentially zoned lot and nonresidential uses are located within 15 feet of that rear property line, a minimum 15-foot wide street side yard area shall be maintained.
 2. Whenever a mixed-use zoned lot shares a side or rear property line with a residentially zoned lot, and nonresidential uses are located within 15 feet of that side or rear property line, a six-foot tall solid masonry wall shall be provided, along or adjacent to all such side and rear lot lines pursuant to § 153.160.050. The wall shall conform to the height regulations applicable to front yard areas of the residentially zoned lot having the common lot line. A landscape buffer shall also be provided along the shared lot lines.
- I. Driveway abutting a building wall facing side or rear yard.** Wherever a permitted driveway abuts a wall of a building facing a side or rear yard area, that portion of the wall shall be located at least 20 feet from the lot line.
- J. Entrances.** When nonresidential and residential uses are located in the same building, separate pedestrian entrances shall be provided for each use. The entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses.

§ 153.070.040 – Additional Development Standards for Mixed-Use Developments

This Section provides additional development standards for mixed-use developments. The primary intent of these standards and criteria is to balance the needs of nonresidential uses for

access, visibility, parking, loading, safety, and economic development with the needs of residential uses for privacy, security, and relative quiet.

- A. Loading and unloading activities of mixed-use developments.** Where applicable, the covenants, conditions, and restrictions of a mixed-use development shall indicate the times when the loading and unloading of goods may occur on the street, provided that, in no event, shall loading or unloading take place after 10:00 P.M. or before 7:00 A.M. on any day of the week.
- B. Lighting standards for mixed-use developments.** Lighting for nonresidential uses shall be appropriately designed, located, and shielded to ensure that they do not negatively impact the residential uses in the development nor any adjacent residential uses.
- C. Recycling and refuse storage facilities standards for mixed-use developments.** Recycling and refuse storage facilities for nonresidential uses shall be located as far as possible from residential units and shall be completely screened from view from the residential portion of the development. Recycling and refuse storage facilities for nonresidential uses shall be compatible in architectural design and details with the overall project. The location and design of trash enclosures shall mitigate nuisances from odors when residential uses might be impacted. Trash areas for food service and sales uses, when occupying the same building as residential uses, shall be refrigerated to control odor.
- D. Integration and standards for nonresidential uses in vertical mixed-use buildings.**
1. Nonresidential uses shall be located along street frontages and shall have a minimum depth of 18 feet. The responsible review authority may reduce the depth requirements for nonresidential uses located on a secondary street.
 2. On corner parcels, the nonresidential space shall turn (wrap around) the corner for a distance of at least 50 percent of the building façade, but not less than 30 feet along secondary/side streets. The termination of use shall occur at an architectural break in the building.
- E. Residential noise notice.** Residents of new mixed-use development projects in the Mixed Use Zones (MU-1 or MU-2), whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban-type environment and that the noise levels may be higher than a strictly residential area. The covenants, conditions, and restrictions of a residential or mixed-use project shall require that prospective residents acknowledge the receipt of the written noise notification. Signatures shall confirm receipt and understanding of this information.

§ 153.070.050 – Required Residential Open Space

Maintaining open space areas provides recreational opportunities, allows sunlight to enter into living spaces and provides a spacious and inviting feel. The minimum required open space areas for residential uses, as listed in Table 153.070.030, shall be maintained pursuant to these regulations.

- A. Residential open space.** The following regulations apply to required residential open space areas within all mixed-use zoned lots:
1. More than one open space area may be provided on a lot. The sum of square footages for all eligible open space areas on a lot shall comprise the total open space area for that lot.
 2. Required side or rear yard areas may be included in the calculated open space area but a required front yard area may not.
 3. All required open space shall be usable. Usable open space shall be improved to support residents' passive or active use. Such open space shall be located on the same parcel as the dwelling units for which it is required. The computation of such open space shall include no obstructions other than devices and structures designed to enhance its usability, such as swimming pools, changing facilities, fountains, planters, benches, and landscaping.
 4. Open space areas shall have no parking, driveway or right-of-way encroachments.
 5. Usable open space does not need to be located on the ground. Rooftop gardens and rooftop landscaping, including rooftops above parking structures, may be used to satisfy the open space requirement.
- B. Private Open Space Orientation.** Private open space(s) attached to residential units shall be designed to avoid direct visibility into the interiors of adjacent units.
- C. Uses Restricted to Indoor.** Unless otherwise indicated in this subchapter 153.070, all uses listed in table 153.070.020 must be conducted wholly within an enclosed building. The following uses or businesses are exceptions to this rule:
1. Outdoor dining and food service in conjunction with a cafeteria, café, restaurant or similar establishment
 2. Newspaper stalls

3. Other sales and display areas as approved through a conditional use permit or similar discretionary permit
 4. Other uses as approved by the Zoning Administrator through the Zoning Code interpretation process pursuant to subchapter 153.210, Administrative Procedures
- D. Outdoor storage of materials.** Outdoor storage of materials shall be limited to the accessory storage of goods sold or utilized by the principal use of the lot where permitted by Table 153.070.020. All materials shall be entirely screened from view from public rights-of-way by a 6-foot tall solid fence or masonry wall.
- E. Outdoor storage areas.** Any areas developed and/or used for outdoor storage and use shall comply with the most current National Pollutant Discharge Elimination System (NPDES) Permits Implementation of Best Management Practices (BMP) and maintenance of those BMPs.
- F. Outdoor sale and display location.** No outdoor sale or display area shall occupy any required parking spaces or required yard areas.

153.070.070 – Other Applicable Regulations

In addition to the requirements contained in this subchapter, Mixed-Use Zones, regulations contained in the following subchapters of this chapter may apply to development in these zones:

- 153.110 Specific Plan Zone
- 153.120 Standards for Specific Land Uses and Activities
- 153.130 Site Planning and General Development Standards
- 153.140 Performance Standards
- 153.150 Off-Street Parking and Loading
- 153.160 Landscaping Standards
- 153.170 Sign Regulations
- 153.180 Antennas and Other Telecommunication Facilities
- 153.200 Nonconforming Lots, Structures and Uses
- 153.210 Administrative Procedures